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Agenda item 62

Elimination of racism and racial discrimination

Report of the Third Committee

Rapporteur: Mr. Khalid **Alwafi** (Saudi Arabia)

I. Introduction

1. At its 2nd plenary meeting, on 19 September 2008, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixty-third session the item entitled:

"Elimination of racism and racial discrimination:

"(a) Elimination of racism and racial discrimination;

"(b) Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action"

and to allocate it to the Third Committee.

2. The Third Committee held a general discussion on the item jointly with item 63, entitled "Right of peoples to self-determination", at its 33rd, 34th and 35th meetings, on 3 and 4 November 2008, and considered proposals and took action on item 62 at its 39th, 40th, 43rd, 45th, 46th and 48th meetings, on 11, 18, 20, 21, 24 and 25 November. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/63/SR.33–35, 39, 40, 43, 45, 46 and 48).

3. For its consideration of the item, the Committee had before it the following documents:

Item 62
Elimination of racism and racial discrimination

Letter dated 8 July 2008 from the representative of Italy to the Secretary-General, transmitting four resolutions adopted by the 118th Assembly of the Inter-Parliamentary Union (Cape Town, South Africa, 18 April 2008) (A/63/123)

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Item 62 (a)
Elimination of racism and racial discrimination

Report of the Committee on the Elimination of Racial Discrimination[1]

Report of the Secretary-General on the financial situation of the Committee on the Elimination of Racial Discrimination (A/63/306)

Report of the Secretary-General on the status of the International Convention on the Elimination of All Forms of Racial Discrimination (A/63/473)

Item 62 (b)
Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

Report of the Preparatory Committee for the Durban Review Conference on its first substantive session (A/63/112) and excerpts from the report on its second substantive session (A/63/112/Add.1)

Report of the Secretary-General on global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (A/63/366)

Note by the Secretary-General transmitting the interim report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (A/63/339)

4. At the 33rd meeting, on 3 November, the Deputy Director of the New York Office of the United Nations High Commissioner for Human Rights made an introductory statement (see A/C.3/63/SR.33).

5. At the same meeting, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance made a presentation and engaged in a dialogue with the representatives of France (on behalf of the States Members of the United Nations that are members of the European Union), Egypt, the Sudan, the Libyan Arab Jamahiriya, Kuwait, Cuba, China, Algeria, Kenya and Pakistan (see A/C.3/63/SR.33).

6. Also at the same meeting, the Chairperson of the Committee on the Elimination of Racial Discrimination made an oral report (see A/C.3/63/SR.33).

7. At the 35th meeting, on 4 November, the Committee heard a statement by the Vice-Chairperson of the Preparatory Committee for the Durban Review Conference on behalf of the Chairperson of the Conference (see A/C.3/63/SR.35).

II. Consideration of proposals

A. Draft resolution A/C.3/63/L.49

8. At the 39th meeting, on 11 November, the representative of the Russian Federation, on behalf of Belarus, Benin, Cape Verde, Cuba, Ethiopia, Kazakhstan, Kyrgyzstan, the Russian Federation, South Africa, the Sudan, Tajikistan,

[1] *Official Records of the General Assembly, Sixty-third Session, Supplement No. 18* (A/63/18).

Turkmenistan, Uzbekistan, Venezuela (Bolivarian Republic of) and Zimbabwe, introduced a draft resolution entitled "Inadmissibility of certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance" (A/C.3/63/L.49) and orally revised the text as follows:

(a) In operative paragraph 2, the words "or collaborated" were replaced by the words "and collaborated";

(b) In operative paragraph 12, after the words "to prepare" the words "within existing resources" were inserted.

9. Subsequently, Angola, Côte d'Ivoire, the Dominican Republic, Iraq, Myanmar, Namibia, Nicaragua and Nigeria joined in sponsoring the draft resolution.

10. At its 40th meeting, on 18 November, the Committee adopted draft resolution A/C.3/63/L.49, as orally revised, by a recorded vote of 122 to 1, with 54 abstentions (see para. 31, draft resolution I). The voting was as follows:

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cambodia, Cameroon, Cape Verde, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Israel, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Serbia, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

United States of America.

Abstaining:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Equatorial Guinea, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Montenegro, Netherlands, New Zealand, Norway, Palau, Panama, Papua New Guinea, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland.

11. Before the vote, statements were made by the representatives of France (on behalf of the States Members of the United Nations that are members of the European Union and associated countries) and the United States of America; after the vote, a statement was made by the representative of Ukraine (see A/C.3/63/SR.40).

B. Draft resolution A/C.3/63/L.51/Rev.1 and programme budget implications contained in document A/C.3/63/L.70

12. At the 43rd meeting, on 20 November, the representative of Antigua and Barbuda, on behalf of the States Members of the United Nations that are members of the Group of 77 and China, introduced a draft resolution entitled "Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action" (A/C.3/63/L.51/Rev.1). Subsequently, Kazakhstan joined in sponsoring the draft resolution, which read:

"*The General Assembly*,

"*Recalling* its resolution 52/111 of 12 December 1997, in which it had decided to convene the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and its resolutions 56/266 of 27 March 2002, 57/195 of 18 December 2002, 58/160 of 22 December 2003, 59/177 of 20 December 2004 and 60/144 of 16 December 2005, which guided the comprehensive follow-up to and effective implementation of the World Conference, and in this regard underlining the importance of their full and effective implementation,

"*Recalling also* its resolution 61/149 of 19 December 2006, in which it decided to convene in 2009 a review conference on the implementation of the Durban Declaration and Programme of Action, hereinafter referred to as the Durban Review Conference, to be conducted within the framework of the General Assembly, and its resolution 62/220 of 22 December 2007,

"*Noting*, in the above context, the decisions adopted by the Preparatory Committee for the Durban Review Conference at its organizational session, and its substantive sessions, including its decision PC.1/13 on the objectives of the Durban Review Conference and decision PC.2/8 on the structure of the outcome document of the Conference,

"*Welcoming* all the relevant resolutions and decisions of the Commission on Human Rights and of the Human Rights Council on this subject, and calling for their implementation,

"*Welcoming also* Human Rights Council decision 3/103 of 8 December 2006, in which the Council decided to heed the decision and instruction of the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance by establishing the Ad Hoc Committee of the Human Rights Council on the Elaboration of Complementary Standards,

"*Reiterating* that all human beings are born free and equal in dignity and rights and have the potential to contribute constructively to the development and well being of their societies, and that any doctrine of racial superiority is

scientifically false, morally condemnable, socially unjust and dangerous and must be rejected, together with theories that attempt to determine the existence of separate human races,

"*Convinced* that racism, racial discrimination, xenophobia and related intolerance manifest themselves in a differentiated manner for women and girls and may be among the factors leading to a deterioration in their living conditions, poverty, violence, multiple forms of discrimination and the limitation or denial of their human rights, and recognizing the need to integrate a gender perspective into relevant policies, strategies and programmes of action against racism, racial discrimination, xenophobia and related intolerance in order to address multiple forms of discrimination,

"*Underlining* the primacy of political will, international cooperation and adequate funding at the national, regional and international levels for the successful implementation of the Durban Programme of Action,

"*Alarmed* at the increase in racist violence and xenophobic ideas in many parts of the world, in political circles, in the sphere of public opinion and in society at large, inter alia, as a result of the resurgent activities of associations established on the basis of racist and xenophobic platforms and charters, and the persistent use of those platforms and charters to promote or incite racist ideologies,

"*Underlining* the importance of urgently eliminating continuing and violent trends involving racism and racial discrimination, and conscious that any form of impunity for crimes motivated by racist and xenophobic attitudes plays a role in weakening the rule of law and democracy, tends to encourage the recurrence of such crimes and requires resolute action and cooperation for its eradication,

"*Acknowledging* the support rendered by the Office of the United Nations High Commissioner for Human Rights to profiling and increasing the visibility of the struggle against racism, racial discrimination, xenophobia and related intolerance and the intention to make this a cross-cutting issue in the activities and programmes of the Office of the High Commissioner,

"I
"General principles

"1. *Acknowledges* that no derogation from the prohibition of racial discrimination, genocide, the crime of apartheid or slavery is permitted, as defined in the obligations under the relevant human rights instruments;

"2. *Expresses its profound concern about and its unequivocal condemnation* of all forms of racism and racial discrimination, including related acts of racially motivated violence, xenophobia and intolerance, as well as propaganda activities and organizations that attempt to justify or promote racism, racial discrimination, xenophobia and related intolerance in any form;

"3. *Expresses deep concern* at the attempts to establish hierarchies among emerging and resurgent forms of racism, racial discrimination, xenophobia and related intolerance, and urges States to adopt measures to

address these scourges with the same emphasis and vigour with a view to preventing this practice and protecting victims;

"4. *Stresses* that States and international organizations have a responsibility to ensure that measures taken in the struggle against terrorism do not discriminate in purpose or effect on grounds of race, colour, descent or national or ethnic origin, and urges all States to rescind or refrain from all forms of racial profiling;

"5. *Recognizes* that States should implement and enforce appropriate and effective legislative, judicial, regulatory and administrative measures to prevent and protect against acts of racism, racial discrimination, xenophobia and related intolerance, thereby contributing to the prevention of human rights violations;

"6. *Also recognizes* that racism, racial discrimination, xenophobia and related intolerance occur on the grounds of race, colour, descent or national or ethnic origin and that victims can suffer multiple or aggravated forms of discrimination based on other related grounds, such as sex, language, religion, political or other opinion, social origin, property, birth or other status;

"7. *Reaffirms* that any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law;

"8. *Emphasizes* that it is the responsibility of States to adopt effective measures to combat criminal acts motivated by racism, racial discrimination, xenophobia and related intolerance, including measures to ensure that such motivations are considered an aggravating factor for the purposes of sentencing, to prevent those crimes from going unpunished and to ensure the rule of law;

"9. *Urges* all States to review and, where necessary, revise their immigration laws, policies and practices so that they are free of racial discrimination and compatible with their obligations under international human rights instruments;

"10. *Condemns* the misuse of print, audio-visual and electronic media and new communication technologies, including the Internet, to incite violence motivated by racial hatred, and calls upon States to take all necessary measures to combat this form of racism in accordance with the commitments that they have undertaken under the Durban Declaration and Programme of Action, in particular paragraph 147 of the Programme of Action, in accordance with existing international and regional standards of freedom of expression and taking all necessary measures to guarantee the right to freedom of opinion and expression;

"11. *Encourages* all States to include in their educational curricula and social programmes at all levels, as appropriate, knowledge of and tolerance and respect for all cultures, civilizations, religions, peoples and countries;

"12. *Stresses* the responsibility of States to mainstream a gender perspective in the design and development of prevention, education and protection measures aimed at the eradication of racism, racial discrimination, xenophobia and related intolerance at all levels, to ensure that they effectively target the distinct situations of women and men;

"II

"International Convention on the Elimination of All Forms of Racial Discrimination

"13. *Reaffirms* that universal adherence to and full implementation of the International Convention on the Elimination of All Forms of Racial Discrimination are of paramount importance for the fight against racism, racial discrimination, xenophobia and related intolerance, including contemporary forms of racism and racial discrimination, and for the promotion of equality and non-discrimination in the world;

"14. *Expresses grave concern* that the universal ratification of the International Convention on the Elimination of All Forms of Racial Discrimination was not attained by the year 2005 in accordance with commitments under the Durban Declaration and Programme of Action, and calls upon those States that have not yet done so to accede to the Convention as a matter of urgency;

"15. *Urges*, in the above context, the Office of the United Nations High Commissioner for Human Rights to maintain and issue regular updates on its website of a list of countries that have not yet ratified the Convention and to encourage such countries to ratify it at the earliest;

"16. *Expresses its concern* at the serious delays in the submission of overdue reports to the Committee on the Elimination of Racial Discrimination, which impedes the effectiveness of the Committee, makes a strong appeal to all States parties to the Convention to comply with their treaty obligations, and reaffirms the importance of the provision of technical assistance to the requesting countries in the preparation of their reports to the Committee;

"17. *Invites* States parties to the Convention to ratify the amendment to article 8 of the Convention on the financing of the Committee, and calls for adequate additional resources from the regular budget of the United Nations to enable the Committee to discharge its mandate fully;

"18. *Urges* all States parties to the Convention to intensify their efforts to implement the obligations that they have accepted under article 4 of the Convention, with due regard to the principles of the Universal Declaration of Human Rights and article 5 of the Convention;

"19. *Welcomes* the work of the Committee in applying the Convention to the new and contemporary forms of racism and racial discrimination;

"20. *Recalls* that the Committee holds that the prohibition of the dissemination of ideas based on racial superiority or racial hatred is compatible with the right to freedom of opinion and expression as outlined in article 19 of the Universal Declaration of Human Rights and in article 5 of the Convention;

"21. *Welcomes* the emphasis placed by the Committee on the importance of follow-up to the World Conference and the measures recommended to strengthen the implementation of the Convention as well as the functioning of the Committee;

"III

"Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

"22. *Expresses appreciation* for the contribution of the United Nations High Commissioner for Human Rights to facilitating the participation in and successful outcomes of the Durban Review Conference;

"23. *Acknowledges* that the outcome of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance is on an equal footing with the outcomes of all the major United Nations conferences, summits and special sessions in the human rights and social fields;

"24. *Also acknowledges* that the World Conference, which was the third world conference against racism, was significantly different from the previous two conferences, as evidenced by the inclusion in its title of two important components relating to contemporary forms of racism, namely, xenophobia and related intolerance;

"25. *Emphasizes* that the basic responsibility for effectively combating racism, racial discrimination, xenophobia and related intolerance lies with States, and to this end stresses that States have the primary responsibility to ensure full and effective implementation of all commitments and recommendations contained in the Durban Declaration and Programme of Action;

"26. *Reaffirms its commitment* to eliminating all forms of racism, racial discrimination, xenophobia and other forms of related intolerance against indigenous peoples, and in this regard notes the attention paid to the objectives of combating prejudice and eliminating discrimination and promoting tolerance, understanding and good relations among indigenous peoples and all other segments of society in the United Nations Declaration on the Rights of Indigenous Peoples;

"27. *Emphasizes* the fundamental and complementary role of national human rights institutions, regional bodies or centres and civil society, working jointly with States towards the achievement of the objectives of the Durban Declaration and Programme of Action;

"28. *Welcomes* the steps taken by numerous Governments, in particular the elaboration and implementation of national action plans to combat racism, racial discrimination, xenophobia and related intolerance, and steps taken by national human rights institutions and non-governmental organizations, towards the full implementation of the Durban Declaration and Programme of Action, and affirms this trend as a demonstration of commitment for the elimination of all scourges of racism at the national level;

"29. *Calls upon* all States that have not yet elaborated their national action plans on combating racism, racial discrimination, xenophobia and related intolerance to comply with their commitments undertaken at the World Conference;

"30. *Calls upon* all States to formulate and implement without delay, at the national, regional and international levels, policies and plans of action to

combat racism, racial discrimination, xenophobia and related intolerance, including their gender-based manifestations;

"31. *Welcomes* the adoption of the laudable initiative led by the States members of the Caribbean Community and other Member States for the establishment of a permanent memorial at the United Nations to the victims of slavery and the transatlantic slave trade as a contribution towards the fulfilment of paragraph 101 of the Durban Declaration, expresses its appreciation for contributions made to the voluntary fund established in this regard, and urges other countries to contribute to the fund;

"32. *Urges* States to support the activities of existing regional bodies or centres that combat racism, racial discrimination, xenophobia and related intolerance in their respective regions, and recommends the establishment of such bodies in all regions where they do not exist;

"33. *Recognizes* the fundamental role of civil society in the fight against racism, racial discrimination, xenophobia and related intolerance, in particular in assisting States to develop regulations and strategies, in taking measures and action against such forms of discrimination and through follow-up implementation;

"34. *Decides* that the General Assembly, through its role in policy formulation, the Economic and Social Council, through its role in overall guidance and coordination, in accordance with their respective roles under the Charter of the United Nations and Assembly resolution 50/227 of 24 May 1996, and the Human Rights Council shall constitute a three-tiered intergovernmental process for the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action;

"35. *Stresses and reaffirms* its role as the highest intergovernmental mechanism for the formulation and appraisal of policy on matters relating to the economic, social and related fields, in accordance with Chapter IX of the Charter, including in the comprehensive implementation of and follow-up to the goals and targets set at all the major United Nations conferences, summits and special sessions;

"36. *Reaffirms* that the Human Rights Council shall continue to have a central role in the monitoring of the implementation of the Durban Declaration and Programme of Action within the United Nations system and in advising the General Assembly thereon;

"37. *Expresses its appreciation* for the continuing work in follow-up to the World Conference undertaken by the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, the group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action and the Working Group of Experts on People of African Descent;

"38. *Endorses* Human Rights Council resolution 9/14 of 24 September 2008, in which the Council decided to extend the mandate of the Working Group of Experts on People of African Descent for three years;

"39. *Welcomes* the convening of the first part of the first session of the Ad Hoc Committee on the Elaboration of Complementary International

Standards in February 2008, and requests the Ad Hoc Committee, at the second part of its first session, to comply, with the mandate established in Council decision 3/103 of 8 December 2006;

"40. *Acknowledges* the centrality of resource mobilization, effective global partnership and international cooperation in the context of paragraphs 157 and 158 of the Durban Programme of Action for the successful realization of commitments undertaken at the World Conference, and to this end emphasizes the importance of the mandate of the group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action, especially in mobilizing the necessary political will for the successful implementation of the Declaration and Programme of Action;

"41. *Requests* the Secretary-General to provide the necessary resources for the effective fulfilment of the mandates of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, the Working Group of Experts on People of African Descent, the group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action, and the Ad Hoc Committee on Complementary International Standards;

"42. *Expresses its concern* at the increasing incidence of racism in various sporting events, while noting with appreciation the efforts made by some governing bodies of the various sporting codes to combat racism, and in this regard invites all international sporting bodies to promote, through their national, regional and international federations, a world of sport free from racism and racial discrimination;

"43. *Welcomes*, in this context, the initiative of the Fédération internationale de football association to introduce a visible theme on non-racism in football, and requests the Fédération to continue with that initiative at the 2010 soccer World Cup tournament to be held in South Africa;

"44. *Urges* those States that have not yet done so to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families adopted by the General Assembly in 1990;

"IV

"Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and follow-up to his visits

"45. *Expresses its deep appreciation* for the work of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and endorses Human Rights Council resolution 7/34 of 28 March 2008, in which the Council decided to extend the mandate of the Special Rapporteur for a period of three years;

"46. *Takes note with appreciation* of the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and encourages Member States and other relevant stakeholders to consider implementing the recommendations contained in his report;

"47. *Reiterates its call* to all Member States, intergovernmental organizations, relevant organizations of the United Nations system and non-governmental organizations to cooperate fully with the Special Rapporteur, and calls upon States to consider responding favourably to his requests for visits so as to enable him to fulfil his mandate fully and effectively;

"48. *Recognizes with deep concern* the increase in anti-Semitism, Christianophobia and Islamophobia in various parts of the world, as well as the emergence of racial and violent movements based on racism and discriminatory ideas directed against Arab, Christian, Jewish and Muslim communities, as well as all religious communities, communities of people of African descent, communities of people of Asian descent, communities of indigenous people and other communities;

"49. *Encourages* closer collaboration between the Special Rapporteur and the Office of the United Nations High Commissioner for Human Rights, in particular the Anti-Discrimination Unit;

"50. *Urges* the High Commissioner to provide States, at their request, with advisory services and technical assistance to enable them to implement fully the recommendations of the Special Rapporteur;

"51. *Requests* the Secretary-General to provide the Special Rapporteur with all the necessary human and financial assistance to carry out his mandate efficiently, effectively and expeditiously and to enable him to submit a report to the General Assembly at its sixty-fourth session;

"52. *Requests* the Special Rapporteur to continue giving particular attention to the negative impact of racism, racial discrimination, xenophobia and related intolerance on the full enjoyment of civil, cultural, economic, political and social rights by national or ethnic, religious and linguistic minorities, immigrant populations, asylum-seekers and refugees;

"53. *Invites* Member States to demonstrate greater commitment to fighting racism in sport by conducting educational and awareness-raising activities and by strongly condemning the perpetrators of racist incidents, in cooperation with national and international sports organizations;

"V

"Convening of the Durban Review Conference

"54. *Welcomes* the reports of the Preparatory Committee for the Durban Review Conference on its organizational and first and second substantive sessions and endorses the decisions contained therein;

"55. *Calls upon* all Member States to participate in the Durban Review Conference;

"56. *Welcomes* the convening of the Regional Preparatory Meeting to the Durban Review Conference for Latin America and the Caribbean, held in Brasília from 17 to 19 June 2008, and the Regional Preparatory Meeting for Africa, in Abuja from 24 to 26 August 2008, and in this regard takes note of the contributions of other regional groups;

"57. *Takes note* of the written contributions of all relevant stakeholders consistent with the objectives of the Durban Review Conference, in accordance with decision PC.1/10 adopted by the Preparatory Committee of the Durban Review Conference at its organizational session;

"58. *Recalls* Preparatory Committee decision PC.1/13 of 31 August 2007 on the objectives of the Durban Review Conference and endorses decision PC.2/8 on the structure of the outcome document;

"59. *Reaffirms* that the Durban Review Conference will be undertaken on the basis of and with full respect for the Durban Declaration and Programme of Action and that there will be no renegotiation of the existing agreements therein, and that the issues raised will be in conformity with the contents of the Durban Declaration and Programme of Action;

"60. *Endorses* decision PC.1/12, adopted by the Preparatory Committee at its organizational session, on the sources of funding and financial and technical assistance, in which the Preparatory Committee decided to recommend to the General Assembly to appeal for contributions from extrabudgetary resources to cover the cost of participation of representatives of least developed countries in the Durban Review Conference, as well as representatives from other developing countries, and to request the Secretary-General and the United Nations High Commissioner for Human Rights to undertake initiatives to encourage contributions to the voluntary fund;

"61. *Reiterates* the decision taken by the Preparatory Committee for the Durban Review Conference at its second substantive session to request the General Assembly to allocate resources from the regular budget of the United Nations to facilitate the participation in the Durban Review Conference of the relevant human rights treaty bodies and thematic special procedures and mechanisms of the Human Rights Council;

"62. *Endorses* the decisions adopted by the Preparatory Committee for the Durban Review Conference at its first and second substantive sessions on the continuation of the preparatory process for the Durban Review Conference, as contained in its report on its first substantive session and the excerpt from its report on its second substantive session;

"VI

"**General**

"63. *Strongly recommends* that no intersessional meetings of the Human Rights Council focusing on the follow-up to the World Conference and the implementation of the Durban Declaration and Programme of Action be so scheduled as to clash or overlap with the meetings of the General Assembly during which this item is being considered;

"64. *Requests* the Secretary-General to submit a report with recommendations on the implementation of the present resolution to the General Assembly at its sixty-fourth session;

"65. *Decides* to remain seized of this important matter at its sixty-fourth session under the item entitled 'Elimination of racism, racial discrimination, xenophobia and related intolerance'."

13. At the 48th meeting, on 25 November, the attention of the Committee was drawn to the statement of programme budget implications of the draft resolution, contained in document A/C.3/63/L.70.

14. At the same meeting, the representative of Antigua and Barbuda, on behalf of the sponsors of draft resolution A/C.3/63/L.51/Rev.1, orally introduced revisions to the text, which were circulated in an informal paper. The Russian Federation subsequently joined in sponsoring the draft resolution.

15. Also at the same meeting, the representative of Israel requested a recorded vote on the draft resolution.

16. Also at its 48th meeting, on 25 November, the Committee adopted draft resolution A/C.3/63/L.51/Rev.1, as orally revised, by a recorded vote of 130 to 11, with 35 abstentions (see para. 31, draft resolution II). The voting was as follows:

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Cuba, Democratic People's Republic of Korea, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Australia, Canada, Czech Republic, Denmark, Israel, Monaco, Netherlands, Poland, Romania, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Albania, Andorra, Armenia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, Montenegro, Portugal, Republic of Korea, Republic of Moldova, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Ukraine.

17. At the same meeting, the Committee was advised that, in view of the oral revisions made to the draft resolution, the Secretariat would revise as necessary the

programme budget implications contained in document A/C.3/63/L.70, before action was taken by the Fifth Committee.

18. Before the vote, statements were made by the representatives of France (on behalf of the States Members of the United Nations that are members of the European Union) and Israel; after the vote, statements were made by the representatives of the United States of America, Japan and New Zealand (also on behalf of Norway) (see A/C.3/63/SR.48).

C. Draft resolution A/C.3/63/L.53/Rev.1 and programme budget implications contained in document A/C.3/63/L.72

19. At the 43rd meeting, on 20 November, the representative of Belgium, on behalf of Albania, Andorra, Argentina, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Costa Rica, Croatia, Cyprus, Denmark, El Salvador, Estonia, Finland, Honduras, Hungary, Italy, Latvia, Lithuania, Luxembourg, Madagascar, Monaco, Portugal, the Republic of Moldova, Romania, Slovenia, Sweden, Switzerland, Thailand, Turkey and Venezuela (Bolivarian Republic of), introduced a draft resolution entitled "International Convention on the Elimination of All Forms of Racial Discrimination" (A/C.3/63/L.53/Rev.1).

20. Subsequently, Angola, Armenia, Bangladesh, Benin, Burundi, Canada, Cape Verde, Chile, China, the Congo, the Czech Republic, the Dominican Republic, Ecuador, France, Germany, Greece, Guinea, Guatemala, Ireland, Kazakhstan, Liberia, Malta, the Netherlands, the Niger, Nigeria, Norway, Panama, the Republic of Korea, Serbia, Spain, the former Yugoslav Republic of Macedonia, Uganda, Ukraine and the United Republic of Tanzania joined in sponsoring the draft resolution.

21. At the 45th meeting, on 21 November, the attention of the Committee was drawn to the statement of programme budget implications of the draft resolution, contained in document A/C.3/63/L.72.

22. At the same meeting, the representative of the United States of America requested a separate vote on operative paragraph 13 of draft resolution A/C.3/63/L.53/Rev.1.

23. The representative of Belgium made a statement (see A/C.3/63/SR.45).

24. The Committee retained operative paragraph 13 by a recorded vote of 165 votes to 1, with 8 abstentions. The voting was as follows:

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Finland, France, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras,

Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Morocco, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Sao Tome and Principe, Saudi Arabia, Senegal, Serbia, Sierra Leone, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

United States of America.

Abstaining:

Fiji, Japan, Malaysia, Mozambique, Poland, Singapore, Sri Lanka, United Kingdom of Great Britain and Northern Ireland.

25. Also at the 45th meeting, on a point of order, a statement was made by the representative of Egypt, in which the delegation sought a clarification from the Secretary. The Secretary provided clarification on the questions raised (see A/C.3/63/SR.45).

26. At the same meeting, the Chairperson stated that rule 129 of the rules of procedure of the General Assembly did not provide for a vote on a draft resolution as a whole when a separate vote had been requested on a part of the proposal.

27. Statements were made by the representatives of Egypt, New Zealand, India, Guatemala, the United Republic of Tanzania, China, the Gambia, Lebanon, the Syrian Arab Republic, France and Belgium, and a vote was requested (see A/C.3/63/SR.45).

28. Also at its 45th meeting, the Committee adopted draft resolution A/C.3/63/L.53/Rev.1 by a recorded vote of 178 votes to none (see para. 31, draft resolution III). The voting was as follows:

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea,

Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Sao Tome and Principe, Saudi Arabia, Senegal, Serbia, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia.

Against:

None.

Abstaining:

None.

29. Before the vote, a statement was made by the representative of Malaysia (see A/C.3/63/SR.45).

30. At the 46th meeting, on 24 November, statements were made after the vote by the representatives of Japan, Singapore and Benin.

III. Recommendations of the Third Committee

31. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I
Inadmissibility of certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenant on Civil and Political Rights,[2] the International Convention on the Elimination of All Forms of Racial Discrimination[3] and other relevant human rights instruments,

Recalling the provisions of Commission on Human Rights resolutions 2004/16 of 16 April 2004[4] and 2005/5 of 14 April 2005,[5] and relevant Human Rights Council resolutions, in particular resolution 7/34 of 28 March 2008,[6] as well as General Assembly resolutions 60/143 of 16 December 2005, 61/147 of 19 December 2006 and 62/142 of 18 December 2007 on this issue and resolutions 61/149 of 19 December 2006 and 62/220 of 22 December 2007, both entitled "Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action",

Recalling also the Charter of the Nuremberg Tribunal and the Judgement of the Tribunal, which recognized, inter alia, the SS organization and all its integral parts, including the Waffen SS, as criminal and declared it responsible for many war crimes and crimes against humanity,

Recalling further the relevant provisions of the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance on 8 September 2001,[7] in particular paragraph 2 of the Declaration and paragraph 86 of the Programme of Action,

Recalling equally the study undertaken by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance,[8] and taking note of his report,[9]

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[1] Resolution 217 A (III).

[2] See resolution 2200 A (XXI), annex.

[3] United Nations, *Treaty Series*, vol. 660, No. 9464.

[4] See *Official Records of the Economic and Social Council, 2004, Supplement No. 3* (E/2004/23), chap. II, sect. A.

[5] Ibid., *2005, Supplement No. 3* and corrigenda (E/2005/23 and Corr.1 and 2), chap. II, sect. A.

[6] See *Official Records of the General Assembly, Sixty-third Session, Supplement No. 53* (A/63/53), chap. II, sect. A.

[7] See A/CONF.189/12 and Corr.1, chap. I.

[8] E/CN.4/2006/16 and Add.1, Add.2 and Corr.1 and Add.3 and 4.

[9] See A/63/339.

Alarmed, in this regard, at the spread in many parts of the world of various extremist political parties, movements and groups, including neo-Nazis and skinhead groups,

1. *Reaffirms* the provision of the Durban Declaration[7] in which States condemned the persistence and resurgence of neo-Nazism, neo-Fascism and violent nationalist ideologies based on racial and national prejudice and stated that those phenomena could never be justified in any instance or in any circumstances;

2. *Expresses deep concern* about the glorification of the Nazi movement and former members of the Waffen SS organization, including by erecting monuments and memorials and holding public demonstrations in the name of the glorification of the Nazi past, the Nazi movement and neo-Nazism, as well as by declaring or attempting to declare such members and those who fought against the anti-Hitler coalition and collaborated with the Nazi movement as participants in national liberation movements;

3. *Expresses concern* at recurring attempts to desecrate or demolish monuments erected in remembrance of those who fought against Nazism during the Second World War, as well as to unlawfully exhume or remove the remains of such persons, and urges States in this regard to fully comply with their relevant obligations, inter alia, under article 34 of Additional Protocol I to the Geneva Conventions of 1949;[10]

4. *Notes with concern* the increase in the number of racist incidents in several countries and the rise of skinhead groups, which have been responsible for many of these incidents, as well as the resurgence of racist and xenophobic violence targeting members of ethnic, religious or cultural communities and national minorities, as observed by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance in his latest report;[9]

5. *Reaffirms* that such acts may be qualified to fall within the scope of activities described in article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination,[3] and that they may represent a clear and manifest abuse of the rights to freedom of peaceful assembly and of association as well as the rights to freedom of opinion and expression within the meaning of those rights as guaranteed by the Universal Declaration of Human Rights,[1] the International Covenant on Civil and Political Rights[2] and the International Convention on the Elimination of All Forms of Racial Discrimination;

6. *Stresses* that the practices described above do injustice to the memory of the countless victims of crimes against humanity committed in the Second World War, in particular those committed by the SS organization and those who fought against the anti-Hitler coalition or collaborated with the Nazi movement, and poison the minds of young people, and that those practices are incompatible with the obligations of States Members of the United Nations under its Charter and are incompatible with the goals and principles of the Organization;

7. *Also stresses* that such practices fuel contemporary forms of racism, racial discrimination, xenophobia and related intolerance and contribute to the spread and multiplication of various extremist political parties, movements and groups, including neo-Nazis and skinhead groups;

[10] United Nations, *Treaty Series*, vol. 1125, No. 17512.

8. *Emphasizes* the need to take the necessary measures to put an end to the practices described above, and calls upon States to take more effective measures in accordance with international human rights law to combat those phenomena and the extremist movements, which pose a real threat to democratic values;

9. *Reaffirms* that, according to article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, States parties to that instrument are, inter alia, under the obligation:

(a) To condemn all propaganda and all organizations that are based on ideas of racial superiority or that attempt to justify or promote racial hatred and discrimination in any form;

(b) To undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of the Convention;

(c) To declare as an offence punishable by law all dissemination of ideas based on racial superiority or hatred, and incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof;

(d) To declare illegal and prohibit organizations and organized and all other propaganda activities that promote and incite racial discrimination and to recognize participation in such organizations or activities as an offence punishable by law;

(e) To prohibit public authorities or public institutions, national or local, from promoting or inciting racial discrimination;

10. *Encourages* those States that have made reservations to article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination to give serious consideration to withdrawing such reservations as a matter of priority;

11. *Recalls* the request of the Commission on Human Rights in its resolution 2005/5[5] that the Special Rapporteur continue to reflect on this issue, make relevant recommendations in his future reports and seek and take into account in this regard the views of Governments and non-governmental organizations;

12. *Requests* the Special Rapporteur to prepare, within existing resources, for submission to the General Assembly at its sixty-fourth session and the Human Rights Council, reports on the implementation of the present resolution based on the views collected in accordance with the request of the Commission on Human Rights, as recalled by the Assembly in paragraph 11 above;

13. *Urges* Governments and non-governmental organizations to cooperate fully with the Special Rapporteur in the exercise of the aforementioned tasks;

14. *Decides* to remain seized of the issue.

Draft resolution II
Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

The General Assembly,

Recalling its resolution 52/111 of 12 December 1997, in which it had decided to convene the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and its resolutions 56/266 of 27 March 2002, 57/195 of 18 December 2002, 58/160 of 22 December 2003, 59/177 of 20 December 2004 and 60/144 of 16 December 2005, which guided the comprehensive follow-up to and effective implementation of the World Conference, and in this regard underlining the importance of their full and effective implementation,

Noting its resolution 61/149 of 19 December 2006, in which it decided to convene in 2009 a review conference on the implementation of the Durban Declaration and Programme of Action,[1] hereinafter referred to as the Durban Review Conference, to be conducted within the framework of the General Assembly, and its resolution 62/220 of 22 December 2007,

Noting, in the above context, the decisions adopted by the Preparatory Committee for the Durban Review Conference at its organizational session[2] and its substantive sessions,[3] including its decision PC.1/13 on the objectives of the Durban Review Conference and decision PC.2/8 on the structure of the outcome document,

Noting also all the relevant resolutions and decisions of the Commission on Human Rights and of the Human Rights Council on this subject, and calling for their implementation,

Noting Human Rights Council decision 3/103 of 8 December 2006,[4] by which, heeding the decision and instruction of the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, the Council established the Ad Hoc Committee of the Human Rights Council on the Elaboration of Complementary Standards,

Reiterating that all human beings are born free and equal in dignity and rights and have the potential to contribute constructively to the development and well-being of their societies, and that any doctrine of racial superiority is scientifically false, morally condemnable, socially unjust and dangerous and must be rejected, together with theories that attempt to determine the existence of separate human races,

Convinced that racism, racial discrimination, xenophobia and related intolerance manifest themselves in a differentiated manner for women and girls and may be among the factors leading to a deterioration in their living conditions, poverty, violence, multiple forms of discrimination and the limitation or denial of

[1] See A/CONF.189/12 and Corr.1, chap. I.
[2] See A/62/375, annex I.
[3] See A/63/112 and Add.1.
[4] See *Official Records of the General Assembly, Sixty-second Session, Supplement No. 53* (A/62/53), chap. II, sect. B.

their human rights, and recognizing the need to integrate a gender perspective into relevant policies, strategies and programmes of action against racism, racial discrimination, xenophobia and related intolerance in order to address multiple forms of discrimination,

Underlining the primacy of political will, international cooperation and adequate funding at the national, regional and international levels for the successful implementation of the Durban Programme of Action,

Alarmed at the increase in racist violence and xenophobic ideas in many parts of the world, in political circles, in the sphere of public opinion and in society at large, inter alia, as a result of the resurgent activities of associations established on the basis of racist and xenophobic platforms and charters, and the persistent use of those platforms and charters to promote or incite racist ideologies,

Underlining the importance of urgently eliminating continuing and violent trends involving racism and racial discrimination, and conscious that any form of impunity for crimes motivated by racist and xenophobic attitudes plays a role in weakening the rule of law and democracy, tends to encourage the recurrence of such crimes and requires resolute action and cooperation for its eradication,

Welcoming the continuing determination of the former United Nations High Commissioner for Human Rights to profile and increase the visibility of the struggle against racism, racial discrimination, xenophobia and related intolerance and the intention to make this a cross-cutting issue in the activities and programmes of the Office,

I
General principles

1. *Acknowledges* that no derogation from the prohibition of racial discrimination, genocide, the crime of apartheid or slavery is permitted, as defined in the obligations under the relevant human rights instruments;

2. *Expresses its profound concern about and its unequivocal condemnation* of all forms of racism and racial discrimination, including related acts of racially motivated violence, xenophobia and intolerance, as well as propaganda activities and organizations that attempt to justify or promote racism, racial discrimination, xenophobia and related intolerance in any form;

3. *Expresses deep concern* at the attempts to establish hierarchies among emerging and resurgent forms of racism, racial discrimination, xenophobia and related intolerance, and urges States to adopt measures to address these scourges with the same emphasis and vigour with a view to preventing this practice and protecting victims;

4. *Stresses* that States and international organizations have a responsibility to ensure that measures taken in the struggle against terrorism do not discriminate in purpose or effect on grounds of race, colour, descent or national or ethnic origin, and urges all States to rescind or refrain from all forms of racial profiling;

5. *Recognizes* that States should implement and enforce appropriate and effective legislative, judicial, regulatory and administrative measures to prevent and protect against acts of racism, racial discrimination, xenophobia and related intolerance, thereby contributing to the prevention of human rights violations;

6. *Also recognizes* that racism, racial discrimination, xenophobia and related intolerance occur on the grounds of race, colour, descent or national or ethnic origin and that victims can suffer multiple or aggravated forms of discrimination based on other related grounds, such as sex, language, religion, political or other opinion, social origin, property, birth or other status;

7. *Reaffirms* that any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law;

8. *Emphasizes* that it is the responsibility of States to adopt effective measures to combat criminal acts motivated by racism, racial discrimination, xenophobia and related intolerance, including measures to ensure that such motivations are considered an aggravating factor for the purposes of sentencing, to prevent those crimes from going unpunished and to ensure the rule of law;

9. *Urges* all States to review and, where necessary, revise their immigration laws, policies and practices so that they are free of racial discrimination and compatible with their obligations under international human rights instruments;

10. *Calls upon* all States, in accordance with the commitments undertaken in paragraph 147 of the Durban Programme of Action,[1] to take all necessary measures to combat the incitement to violence motivated by racial hatred, including through misuse of print, audio-visual and electronic media and new communication technologies, and, in collaboration with service providers, to promote the use of such technologies, including the Internet, to contribute to the fight against racism, in conformity with international standards of freedom of expression and taking all necessary measures to guarantee that right;

11. *Encourages* all States to include in their educational curricula and social programmes at all levels, as appropriate, knowledge of and tolerance and respect for all cultures, civilizations, religions, peoples and countries, as well as information on the follow-up to and implementation of the Durban Declaration and Programme of Action;

12. *Stresses* the responsibility of States to mainstream a gender perspective in the design and development of prevention, education and protection measures aimed at the eradication of racism, racial discrimination, xenophobia and related intolerance at all levels, to ensure that they effectively target the distinct situations of women and men;

II
International Convention on the Elimination of All Forms of Racial Discrimination

13. *Reaffirms* that universal adherence to and full implementation of the International Convention on the Elimination of All Forms of Racial Discrimination[5] are of paramount importance for the fight against racism, racial discrimination, xenophobia and related intolerance, including contemporary forms of racism and racial discrimination, and for the promotion of equality and non-discrimination in the world;

[5] United Nations, *Treaty Series*, vol. 660, No. 9464.

14. *Expresses grave concern* at the fact that the universal ratification of the International Convention on the Elimination of All Forms of Racial Discrimination was not attained by the year 2005 in accordance with commitments under the Durban Declaration and Programme of Action, and calls upon those States that have not yet done so to accede to the International Convention on the Elimination of All Forms of Racial Discrimination as a matter of urgency;

15. *Urges*, in the above context, the Office of the United Nations High Commissioner for Human Rights to maintain on its website and issue regular updates on a list of countries that have not yet ratified the Convention and to encourage such countries to ratify it at the earliest;

16. *Expresses its concern* at the serious delays in the submission of overdue reports to the Committee on the Elimination of Racial Discrimination, which impedes the effectiveness of the Committee, makes a strong appeal to all States parties to the Convention to comply with their treaty obligations, and reaffirms the importance of the provision of technical assistance to the requesting countries in the preparation of their reports to the Committee;

17. *Invites* States parties to the Convention to ratify the amendment to article 8 of the Convention on the financing of the Committee, and calls for adequate additional resources from the regular budget of the United Nations to enable the Committee to discharge its mandate fully;

18. *Urges* all States parties to the Convention to intensify their efforts to implement the obligations that they have accepted under article 4 of the Convention, with due regard to the principles of the Universal Declaration of Human Rights[6] and article 5 of the Convention;

19. *Recalls* that the Committee holds that the prohibition of the dissemination of ideas based on racial superiority or racial hatred is compatible with the right to freedom of opinion and expression as outlined in article 19 of the Universal Declaration of Human Rights and in article 5 of the Convention;

20. *Welcomes* the emphasis placed by the Committee on the importance of follow-up to the World Conference and the measures recommended to strengthen the implementation of the Convention as well as the functioning of the Committee;

III
Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

21. *Expresses appreciation* for the High Commissioner's commitment to contribute to the successful outcome of the Durban Review Conference, including her appeal to all Member States and other stakeholders to participate in the Durban Review Conference;

22. *Acknowledges* that the outcome of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance is on an equal footing with the outcomes of all the major United Nations conferences, summits and special sessions in the human rights and social fields;

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[6] Resolution 217 A (III).

23. *Also acknowledges* that the World Conference, which was the third world conference against racism, was significantly different from the previous two conferences, as evidenced by the inclusion in its title of two important components relating to contemporary forms of racism, namely, xenophobia and related intolerance;

24. *Emphasizes* that the basic responsibility for effectively combating racism, racial discrimination, xenophobia and related intolerance lies with States, and to this end stresses that States have the primary responsibility to ensure full and effective implementation of all commitments and recommendations contained in the Durban Declaration and Programme of Action;[1]

25. *Reaffirms its commitment* to eliminating all forms of racism, racial discrimination, xenophobia and other forms of related intolerance against indigenous peoples, and in this regard notes the attention paid to the objectives of combating prejudice and eliminating discrimination and promoting tolerance, understanding and good relations among indigenous peoples and all other segments of society in the United Nations Declaration on the Rights of Indigenous Peoples;[7]

26. *Emphasizes* the fundamental and complementary role of national human rights institutions, regional bodies or centres and civil society, working jointly with States towards the achievement of the objectives of the Durban Declaration and Programme of Action;

27. *Welcomes* the steps taken by numerous Governments, in particular the elaboration and implementation of national action plans to combat racism, racial discrimination, xenophobia and related intolerance, and steps taken by national human rights institutions and non-governmental organizations, towards the full implementation of the Durban Declaration and Programme of Action, and affirms this trend as a demonstration of commitment to the elimination of all scourges of racism at the national level;

28. *Calls upon* all States that have not yet elaborated their national action plans on combating racism, racial discrimination, xenophobia and related intolerance to comply with their commitments undertaken at the World Conference;

29. *Calls upon* all States to formulate and implement without delay, at the national, regional and international levels, policies and plans of action to combat racism, racial discrimination, xenophobia and related intolerance, including their gender-based manifestations;

30. *Welcomes* the adoption of the laudable initiative led by the States members of the Caribbean Community and other Member States for the establishment of a permanent memorial at the United Nations to the victims of slavery and the transatlantic slave trade as a contribution towards the fulfilment of paragraph 101 of the Durban Declaration, expresses its appreciation for contributions made to the voluntary fund established in this regard, and urges other countries to contribute to the fund;

31. *Urges* States to support the activities of existing regional bodies or centres that combat racism, racial discrimination, xenophobia and related

[7] Resolution 61/295, annex.

intolerance in their respective regions, and recommends the establishment of such bodies in all regions where they do not exist;

32. *Recognizes* the fundamental role of civil society in the fight against racism, racial discrimination, xenophobia and related intolerance, in particular in assisting States to develop regulations and strategies, in taking measures and action against such forms of discrimination and through follow-up imple nentation;

33. *Reaffirms* that the General Assembly is the highest intergovernmental mechanism for the formulation and appraisal of policy on matters relating to the economic, social and related fields, in accordance with Assembly resolution 50/227 of 24 May 1996, and, together with the Human Rights Council, shall constitute an intergovernmental process for the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action, and further reaffirms that the Human Rights Council shall continue to have a central role in the follow-up to the implementation of the Durban Declaration and Programme of Action within the United Nations system;

34. *Expresses its appreciation* for the continuing work of the mechanisms mandated to follow up the World Conference, bearing in mind the assessment of the effectiveness of those mechanisms to be undertaken by the Durban Review Conference;

35. *Acknowledges* Human Rights Council resolution 9/14 of 24 September 2008,[8] by which the Council decided to extend for three years the mandate of the Working Group of Experts on People of African Descent;

36. *Takes note* of the convening of the first part of the first session of the Ad Hoc Committee on the Elaboration of Complementary Standards in February 2008, and requests the Ad Hoc Committee to comply with the mandate contained in Human Rights Council decision 3/103;

37. *Acknowledges* the centrality of resource mobilization, effective global partnership and international cooperation in the context of paragraphs 157 and 158 of the Durban Programme of Action for the successful realization of commitments undertaken at the World Conference, and to this end emphasizes the importance of the mandate of the group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action, especially in mobilizing the necessary political will for the successful implementation of the Declaration and Programme of Action;

38. *Requests* the Secretary-General to provide the necessary resources for the effective fulfilment of the mandates of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, the Working Group of Experts on People of African Descent, the group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action and the Ad Hoc Committee on the Elaboration of Complementary Standards;

39. *Expresses its concern* at the increasing incidence of racism in various sporting events, while noting with appreciation the efforts made by some governing

[8] See *Official Records of the General Assembly, Sixty-third Session, Supplement No. 53 A*, (A/63/53/Add.1), chap. I.

bodies of the various sporting codes to combat racism and in this regard invites all international sporting bodies to promote, through their national, regional and international federations, a world of sport free from racism and racial discrimination;

40. *Welcomes*, in this context, the initiative of the Fédération internationale de football association to introduce a visible theme on non-racism in football, and invites the Fédération to continue with this initiative at the 2010 soccer World Cup tournament to be held in South Africa;

41. *Calls upon* those States that have not yet done so to consider signing and ratifying or acceding to the instruments enumerated in paragraph 78 of the Durban Programme of Action, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families of 1990;[9]

IV

Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and follow-up to his visits

42. *Expresses its appreciation* for the work done by the former Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and welcomes Human Rights Council resolution 7/34 of 28 March 2008,[10] by which the Council decided to extend the mandate of the Special Rapporteur for a period of three years;

43. *Takes note with appreciation* of the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance[11] and encourages Member States and other relevant stakeholders to consider implementing the recommendations contained in his report;

44. *Reiterates its call* to all Member States, intergovernmental organizations, relevant organizations of the United Nations system and non-governmental organizations to cooperate fully with the Special Rapporteur, and calls upon States to consider responding favourably to his requests for visits so as to enable him to fulfil his mandate fully and effectively;

45. *Recognizes with deep concern* the increase in anti-Semitism, Christianophobia and Islamophobia in various parts of the world, as well as the emergence of racial and violent movements based on racism and discriminatory id[illegible] directed against Arab, Christian, Jewish and Muslim communities, as well as al[illegible] igious communities, communities of people of African descent, communities of [illegible]ople of Asian descent, communities of indigenous people and other communities;

46. *Encourages* closer collaboration between the Special Rapporteur and the Office of the United Nations High Commissioner for Human Rights, in particular the Anti-Discrimination Unit;

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[9] United Nations, *Treaty Series*, vol. 2220, No. 39481.

[10] See *Official Records of the General Assembly, Sixty-third Session, Supplement No. 53* (A/63/53), chap. II.

[11] See A/63/339.

47. *Urges* the High Commissioner to provide States, at their request, with advisory services and technical assistance to enable them to implement fully the recommendations of the Special Rapporteur;

48. *Requests* the Secretary-General to provide the Special Rapporteur with all the necessary human and financial assistance to carry out his mandate efficiently, effectively and expeditiously and to enable him to submit a report to the General Assembly at its sixty-fourth session;

49. *Requests* the Special Rapporteur to continue giving particular attention to the negative impact of racism, racial discrimination, xenophobia and related intolerance on the full enjoyment of civil, cultural, economic, political and social rights by national or ethnic, religious and linguistic minorities, immigrant populations, asylum-seekers and refugees;

50. *Invites* Member States to demonstrate greater commitment to fighting racism in sport by conducting educational and awareness-raising activities and by strongly condemning the perpetrators of racist incidents, in cooperation with national and international sports organizations;

V

Convening of the Durban Review Conference

51. *Welcomes* the reports of the Preparatory Committee for the Durban Review Conference on its organizational,[12] first[13] and second[14] substantive sessions and endorses the decisions contained therein;

52. *Calls upon* all Member States to participate in the Durban Review Conference;

53. *Expresses appreciation* for the convening of the Regional Preparatory Meeting for the Durban Review Conference for Latin America and the Caribbean in Brasilia from 17 to 19 June 2008 and the Regional Preparatory Meeting for Africa in Abuja from 24 to 26 August 2008;

54. *Takes note* of the contributions by Member States, regional groups and all other relevant stakeholders consistent with the objectives of the Durban Review Conference, in accordance with decision PC.1/10 of the Preparatory Committee;

55. *Reaffirms* that the Durban Review Conference will be undertaken on the basis of and with full respect for the Durban Declaration and Programme of Action and that there will be no renegotiation of the existing agreements therein, and that the issues raised will be in conformity with the contents of the Durban Declaration and Programme of Action;

56. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to undertake initiatives to encourage contributions to the voluntary fund established pursuant to decision PC.1/12 of the Preparatory Committee, including the decision to appeal for contributions from extrabudgetary resources to cover the costs of participation of representatives of the least developed countries in the Durban Review Conference;

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[12] A/62/375.

[13] A/63/112.

[14] A/CONF.211/PC.3/11 and Corr.1.

VI
General

57. *Recommends* that the meetings of the Human Rights Council focusing on the follow-up to the World Conference and the implementation of the Durban Declaration and Programme of Action are scheduled in a manner to allow broad participation and that avoids overlap with the meetings devoted to the consideration of this agenda item in the General Assembly;

58. *Requests* the Secretary-General to submit a report with recommendations on the implementation of the present resolution to the General Assembly at its sixty-fourth session;

59. *Decides* to remain seized of this important matter at its sixty-fourth session under the item entitled "Elimination of racism, racial discrimination, xenophobia and related intolerance".

Draft resolution III
International Convention on the Elimination of All Forms of Racial Discrimination

The General Assembly,

Recalling its previous resolutions on the International Convention on the Elimination of All Forms of Racial Discrimination,[1] most recently resolution 61/148 of 19 December 2006,

Bearing in mind the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[2] in particular section II.B of the Declaration, relating to equality, dignity and tolerance,

Reiterating the need to intensify the struggle to eliminate all forms of racism, racial discrimination, xenophobia and related intolerance throughout the world,

Reiterating also the importance of the Convention, which is one of the most widely accepted human rights instruments adopted under the auspices of the United Nations,

Reaffirming that universal adherence to and full implementation of the Convention are of paramount importance for promoting equality and non-discrimination in the world, as stated in the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance on 8 September 2001,[3]

Mindful of the importance of the contributions of the Committee on the Elimination of Racial Discrimination to the effective implementation of the Convention and to the efforts of the United Nations to combat racism, racial discrimination, xenophobia and related intolerance,

Emphasizing the obligation of all States parties to the Convention to take legislative, judicial and other measures to secure full implementation of the provisions of the Convention,

Recalling its resolution 47/111 of 16 December 1992, in which it welcomed the decision, taken on 15 January 1992 by the Fourteenth Meeting of States Parties to the International Convention on the Elimination of All Forms of Racial Discrimination, to amend paragraph 6 of article 8 of the Convention and to add a new paragraph, as paragraph 7 of article 8, with a view to providing for the financing of the Committee from the regular budget of the United Nations,[4] and reiterating its deep concern that the amendment to the Convention has not yet entered into force,

Stressing the importance of enabling the Committee to function smoothly and to have all necessary facilities for the effective performance of its functions under the Convention,

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[1] United Nations, *Treaty Series*, vol. 660, No. 9464.

[2] A/CONF.157/24 (Part I), chap. III.

[3] See A/CONF.189/12 and Corr.1, chap. I.

[4] See CERD/SP/46, annex.

I

Reports of the Committee on the Elimination of Racial Discrimination

1. *Takes note* of the reports of the Committee on the Elimination of Racial Discrimination on its seventieth and seventy-first[5] and its seventy-second and seventy-third[6] sessions;

2. *Commends* the Committee for its contributions to the effective implementation of the International Convention on the Elimination of All Forms of Racial Discrimination,[1] especially through the examination of reports under article 9 of the Convention, action on communications under article 14 of the Convention and thematic discussions, which contribute to the prevention and elimination of racism, racial discrimination, xenophobia and related intolerance;

3. *Calls upon* States parties to fulfil their obligation, under article 9, paragraph 1, of the Convention, to submit their periodic reports on measures taken to implement the Convention in due time;

4. *Expresses its concern* at the fact that a great number of reports are overdue and continue to be overdue, in particular initial reports, which constitutes an obstacle to the full implementation of the Convention;

5. *Encourages* States parties to the Convention whose reports are seriously overdue to avail themselves of the advisory services and technical assistance that the Office of the United Nations High Commissioner for Human Rights can provide, upon their request, for the preparation of the reports;

6. *Encourages* the Committee to continue to cooperate and exchange information with United Nations bodies and mechanisms, in particular with the Human Rights Council, its Advisory Committee and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and with intergovernmental organizations, as well as with non-governmental organizations;

7. *Encourages* States parties to the Convention to continue to include a gender perspective in their reports to the Committee, and invites the Committee to take into account a gender perspective in the implementation of its mandate;

8. *Notes with appreciation* the engagement of the Committee in the follow-up to the Durban Declaration and Programme of Action;[3]

9. *Expresses its appreciation* for the efforts made so far by the Committee to improve the efficiency of its working methods, including with a view to further harmonizing the working methods of the treaty bodies, and encourages the Committee to continue its activities in this regard;

10. *Welcomes*, in this regard, measures taken by the Committee to follow up on its concluding observations and recommendations, such as the appointment of a follow-up coordinator[7] and the adoption of the guidelines on the follow-up;[8]

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[5] *Official Records of the General Assembly, Sixty-second Session, Supplement No. 18* (A/62/18).

[6] Ibid., *Sixty-third Session, Supplement No. 18* (A/63/18).

[7] Ibid., *Sixtieth Session, Supplement No. 18* (A/60/18), annex IV.

[8] Ibid., *Sixty-first Session, Supplement No. 18* (A/61/18), annex VI.

11. *Encourages* the continued participation of members of the Committee in the annual inter-committee meetings and meetings of chairpersons of the human rights treaty bodies, especially with a view to a more coordinated approach to the activities of the treaty body system and standardized reporting as well as to solving the problem of the backlog of reports of States parties in an effective manner, including by identifying efficiencies and maximizing the use of their resources as well as learning and sharing best practices and experiences in this regard;

12. *Notes* the persistent backlog of reports of States parties awaiting consideration, which prevents the Committee from considering the periodic reports of States parties in a timely manner and without undue delay, as well as the request of the Committee that the General Assembly authorize an extension of its meeting time, which is currently only six weeks per year;

13. *Decides* to authorize the Committee to meet for an additional week per session, as a temporary measure, with effect from August 2009 until 2011;

14. *Also decides* to assess the situation regarding the meeting time of the Committee at its sixty-fifth session on the basis of an evaluation made by the Office of the United Nations High Commissioner for Human Rights, taking into account a more comprehensive approach to the backlog of human rights treaty bodies and the increasing number of reports of States parties to the human rights conventions;

II
Financial situation of the Committee on the Elimination of Racial Discrimination

15. *Takes note* of the report of the Secretary-General on the financial situation of the Committee on the Elimination of Racial Discrimination;[9]

16. *Expresses its profound concern* at the fact that a number of States parties to the International Convention on the Elimination of All Forms of Racial Discrimination[1] have still not fulfilled their financial obligations, as shown in the report of the Secretary-General, and strongly appeals to all States parties that are in arrears to fulfil their outstanding financial obligations under article 8, paragraph 6, of the Convention;

17. *Strongly urges* States parties to the Convention to accelerate their domestic ratification procedures with regard to the amendment to the Convention concerning the financing of the Committee and to notify the Secretary-General expeditiously in writing of their agreement to the amendment, as decided upon at the Fourteenth Meeting of States Parties to the International Convention on the Elimination of All Forms of Racial Discrimination on 15 January 1992,[4] endorsed by the General Assembly in its resolution 47/111 and further reiterated at the Sixteenth Meeting of States Parties on 16 January 1996;

18. *Requests* the Secretary-General to continue to ensure adequate financial arrangements and to provide the necessary support, including an adequate level of Secretariat assistance, in order to ensure the functioning of the Committee and to enable it to cope with its increasing amount of work;

19. *Also requests* the Secretary-General to invite those States parties to the Convention that are in arrears to pay the amounts in arrears, and to report thereon to the General Assembly at its sixty-fifth session;

[9] A/63/306.

III
Status of the International Convention on the Elimination of All Forms of Racial Discrimination

20. *Takes note* of the report of the Secretary-General on the status of the International Convention on the Elimination of All Forms of Racial Discrimination;[10]

21. *Expresses its satisfaction* at the number of States that have ratified or acceded to the Convention, which now stands at one hundred and seventy-three;

22. *Urges* States parties to comply fully with their obligations under the Convention and to take into consideration the concluding observations and general recommendations of the Committee on the Elimination of Racial Discrimination;

23. *Reaffirms its conviction* that ratification of or accession to the Convention on a universal basis and the implementation of its provisions are necessary for the effectiveness of the fight against racism, racial discrimination, xenophobia and related intolerance and for the implementation of the commitments undertaken under the Durban Declaration and Programme of Action,[3] and expresses its disappointment that universal ratification of the Convention was not achieved by the targeted date of 2005;

24. *Urges* all States that have not yet become parties to the Convention to ratify or accede to it as a matter of urgency;

25. *Urges* States to limit the extent of any reservation they lodge to the Convention and to formulate any reservation as precisely and as narrowly as possible in order to ensure that no reservation is incompatible with the object and purpose of the Convention, to review their reservations on a regular basis with a view to withdrawing them, and to withdraw reservations that are contrary to the object and purpose of the Convention;

26. *Notes* that the number of States parties to the Convention that have made the declaration provided for in article 14 of the Convention now stands at fifty-three, and requests States parties that have not yet done so to consider making that declaration;

27. *Invites* the Chairman of the Committee on the Elimination of Racial Discrimination to present an oral report on the work of the Committee and to engage in an interactive dialogue with the General Assembly at its sixty-fifth session under the item entitled "Elimination of racism and racial discrimination";

28. *Decides* to consider, at its sixty-fifth session, under the item entitled "Elimination of racism and racial discrimination", the reports of the Committee on its seventy-fourth and seventy-fifth and its seventy-sixth and seventy-seventh sessions, the report of the Secretary-General on the financial situation of the Committee and the report of the Secretary-General on the status of the Convention.

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[10] A/63/473.

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Right of peoples to self-determination

Report of the Third Committee

Rapporteur: Mr. Khalid **Alwafi** (Saudi Arabia)

I. Introduction

1. At its 2nd plenary meeting, on 19 September 2008, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixty-third session the item entitled "Right of peoples to self-determination" and to allocate it to the Third Committee.

2. The Third Committee held a general discussion on the agenda item jointly with item 62, entitled "Elimination of racism and racial discrimination", at its 33rd, 34th and 35th meetings, on 3 and 4 November 2008, and considered proposals and took action on item 63 at its 39th, 40th, 43rd and 46th meetings, on 11, 18, 20 and 24 November. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/63/SR.33-35, 39, 40, 43 and 46).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Secretary-General on the right of peoples to self-determination (A/63/254);

(b) Note by the Secretary-General transmitting the report of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (A/63/325).

4. At the 33rd meeting, on 3 November, the Deputy Director of the New York Office of the United Nations High Commissioner for Human Rights made an introductory statement (see A/C.3/63/SR.33).

5. At the 34th meeting, on 3 November, the Chairperson of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination made a presentation and

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engaged in a dialogue with the representatives of Cuba, Switzerland and the United States of America (see A/C.3/63/SR.34).

II. Consideration of proposals

A. Draft resolution A/C.3/63/L.48

6. At the 39th meeting, on 11 November, the representative of Pakistan, on behalf of Algeria, Angola, Armenia, Azerbaijan, Bahrain, Bangladesh, Benin, Brunei Darussalam, Cameroon, China, the Congo, Egypt, Eritrea, Iran (Islamic Republic of), Jordan, Kuwait, Lebanon, Malaysia, Mali, the Niger, Nigeria, Oman, Pakistan, Qatar, Saudi Arabia, Singapore, Somalia, South Africa, Thailand, Uganda and the United Arab Emirates, introduced a draft resolution entitled "Universal realization of the right of peoples to self-determination" (A/C.3/63/L.48). Subsequently, the Central African Republic, the Comoros, Guinea, Iraq, Liberia, the Libyan Arab Jamahiriya, Namibia and Ukraine[1] joined in sponsoring the draft resolution.

7. At its 40th meeting, on 18 November, the Committee adopted draft resolution A/C.3/63/L.48 without a vote (see para. 19, draft resolution I).

8. After the adoption of the draft resolution, statements were made by the representatives of Argentina, France (on behalf of the States Members of the United Nations that are members of the European Union and associated countries) and Ukraine (see A/C.3/63/SR.40).

B. Draft resolution A/C.3/63/L.50/Rev.1

9. At the 40th meeting, on 18 November, the representative of Cuba, on behalf of Belarus, Benin, Bolivia, China, the Comoros, Cuba, the Democratic People's Republic of Korea, Ecuador, Egypt, Eritrea, Ethiopia, Honduras, Iran (Islamic Republic of), the Lao People's Democratic Republic, the Libyan Arab Jamahiriya, Madagascar, Myanmar, Nicaragua, Namibia, Panama, Peru, the Russian Federation, South Africa, Sri Lanka, the Sudan, the Syrian Arab Republic, Venezuela (Bolivarian Republic of) and Zimbabwe, introduced a draft resolution entitled "Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination" (A/C.3/63/L.50/Rev.1). Subsequently, Algeria, Angola, Costa Rica, Côte d'Ivoire, the Dominican Republic, El Salvador, the Gambia, Kenya, Liberia, Malaysia, Mali, Myanmar, Nigeria, Pakistan, Sierra Leone and Swaziland joined in sponsoring the draft resolution.

10. At the 46th meeting, on 24 November, the Secretary of the Committee read out a statement regarding the programme budget implications of the draft resolution.

11. Also at its 46th meeting, the Committee adopted draft resolution A/C.3/63/L.50/Rev.1 by a recorded vote of 122 to 51, with 5 abstentions (see para. 19, draft resolution II). The voting was as follows:

[1] Subsequently, the delegation of Ukraine indicated that it had not intended to sponsor the draft resolution.

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chad, China, Colombia, Comoros, Congo, Costa Rica, Cuba, Democratic People's Republic of Korea, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Micronesia (Federated States of), Monaco, Montenegro, Netherlands, Norway, Palau, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Chile, Fiji, New Zealand, Switzerland, Tonga.

12. After the vote, statements were made by the representatives of Chile, Argentina, France (on behalf of the States Members of the United Nations that are members of the European Union and associated countries) and Malaysia (see A/C.3/63/SR.46).

C. Draft resolution A/C.3/63/L.52

13. At the 39th meeting, on 11 November, the representative of Egypt, on behalf of Afghanistan, Albania, Algeria, Andorra, Angola, Armenia, Austria, Azerbaijan, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Brazil, Brunei Darussalam, Burkina Faso, Burundi, the Central African Republic, China, Côte d'Ivoire, the Comoros, Cuba, Cyprus, the Democratic People's Republic of Korea, Djibouti, Ecuador, Egypt, Eritrea, Ethiopia, Finland, France, Gabon, Greece, Guinea, Guyana, Hungary, Iceland, India, Indonesia, Iraq, Ireland, Jordan, Kenya, Kuwait, the Lao People's Democratic Republic, Latvia,

Lebanon, Lesotho, Liberia, Liechtenstein, the Libyan Arab Jamahiriya, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Monaco, Montenegro, Morocco, Myanmar, Namibia, New Zealand, Nicaragua, the Niger, Nigeria, Norway, Oman, Pakistan, Poland, Portugal, Qatar, Romania, the Russian Federation, Saint Vincent and the Grenadines, San Marino, Saudi Arabia, Senegal, Sierra Leone, Slovakia, Slovenia, Somalia, South Africa, Spain, Sri Lanka, the Sudan, Suriname, Swaziland, Sweden, Switzerland, Togo, Tunisia, Turkey, Uganda, the United Arab Emirates, the United Republic of Tanzania, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe and Palestine, introduced a draft resolution entitled "The right of the Palestinian people to self-determination" (A/C.3/63/L.52). Subsequently, Bulgaria, Cape Verde, the Central African Republic, the Congo, Costa Rica, Croatia, Estonia, the Gambia, Guinea-Bissau, Haiti, Jamaica, the Republic of Moldova, Rwanda, Tajikistan, the former Yugoslav Republic of Macedonia, Timor-Leste and Ukraine joined in sponsoring the draft resolution.

14. At the 43rd meeting, on 20 November, the representative of France (on behalf of the States Members of the United Nations that are members of the European Union and associated countries) made a statement (see A/C.3/63/SR.43).

15. At the same meeting, the representative of Israel requested a recorded vote on the draft resolution.

16. Also at its 43rd meeting, the Committee adopted draft resolution A/C.3/63/L.52 by a recorded vote of 175 to 5, with 5 abstentions (see para. 17, draft resolution III). The voting was as follows:

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Sao Tome and Principe, Saudi Arabia, Senegal, Serbia, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan,

Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Tuvalu, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Israel, Marshall Islands, Micronesia (Federated States of), Palau, United States of America.

Abstaining:

Australia, Cameroon, Canada, Equatorial Guinea, Fiji.

17. Before the vote, the representative of the United States of America made a statement; after the vote, statements were made by the representatives of Israel, the Federated States of Micronesia, Canada and Argentina (see A/C.3/63/SR.43).

18. At the same meeting, the observer of Palestine made a statement (see A/C.3/63/SR.43).

III. Recommendations of the Third Committee

19. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I
Universal realization of the right of peoples to self-determination

The General Assembly,

Reaffirming the importance, for the effective guarantee and observance of human rights, of the universal realization of the right of peoples to self-determination enshrined in the Charter of the United Nations and embodied in the International Covenants on Human Rights,[1] as well as in the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514 (XV) of 14 December 1960,

Welcoming the progressive exercise of the right to self-determination by peoples under colonial, foreign or alien occupation and their emergence into sovereign statehood and independence,

Deeply concerned at the continuation of acts or threats of foreign military intervention and occupation that are threatening to suppress, or have already suppressed, the right to self-determination of peoples and nations,

Expressing grave concern that, as a consequence of the persistence of such actions, millions of people have been and are being uprooted from their homes as refugees and displaced persons, and emphasizing the urgent need for concerted international action to alleviate their condition,

Recalling the relevant resolutions regarding the violation of the right of peoples to self-determination and other human rights as a result of foreign military intervention, aggression and occupation, adopted by the Commission on Human Rights at its sixty-first[2] and previous sessions,

Reaffirming its previous resolutions on the universal realization of the right of peoples to self-determination, including resolution 62/144 of 18 December 2007,

Reaffirming also its resolution 55/2 of 8 September 2000, containing the United Nations Millennium Declaration, and recalling its resolution 60/1 of 16 September 2005, containing the 2005 World Summit Outcome, which, inter alia, uphold the right to self-determination of peoples under colonial domination and foreign occupation,

Taking note of the report of the Secretary-General on the right of peoples to self-determination,[3]

1. *Reaffirms* that the universal realization of the right of all peoples, including those under colonial, foreign and alien domination, to self-determination

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[1] Resolution 2200 A (XXI), annex.

[2] See *Official Records of the Economic and Social Council, 2005, Supplement No. 3* and corrigenda (E/2005/23 and Corr.1 and 2), chap. II, sect. A.

[3] A/63/254.

is a fundamental condition for the effective guarantee and observance of human rights and for the preservation and promotion of such rights;

2. *Declares its firm opposition* to acts of foreign military intervention, aggression and occupation, since these have resulted in the suppression of the right of peoples to self-determination and other human rights in certain parts of the world;

3. *Calls upon* those States responsible to cease immediately their military intervention in and occupation of foreign countries and territories and all acts of repression, discrimination, exploitation and maltreatment, in particular the brutal and inhuman methods reportedly employed for the execution of those acts against the peoples concerned;

4. *Deplores* the plight of millions of refugees and displaced persons who have been uprooted as a result of the aforementioned acts, and reaffirms their right to return to their homes voluntarily in safety and honour;

5. *Requests* the Human Rights Council to continue to give special attention to the violation of human rights, especially the right to self-determination, resulting from foreign military intervention, aggression or occupation;

6. *Requests* the Secretary-General to report on this question to the General Assembly at its sixty-fourth session under the item entitled "Right of peoples to self-determination".

Draft resolution II

Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

The General Assembly,

Recalling all of its previous resolutions on the subject, including resolution 62/145 of 18 December 2007, and Human Rights Council resolution 7/21 of 28 March 2008[1] as well as all resolutions adopted by the Commission on Human Rights in this regard,

Recalling also all of its relevant resolutions in which, inter alia, it condemned any State that permitted or tolerated the recruitment, financing, training, assembly, transit and use of mercenaries with the objective of overthrowing the Governments of States Members of the United Nations, especially those of developing countries, or of fighting against national liberation movements, and recalling further the relevant resolutions and international instruments adopted by the General Assembly, the Security Council, the Economic and Social Council and the Organization of African Unity, inter alia, the Organization of African Unity Convention for the elimination of mercenarism in Africa,[2] as well as the African Union,[3]

Reaffirming the purposes and principles enshrined in the Charter of the United Nations concerning the strict observance of the principles of sovereign equality, political independence, the territorial integrity of States, the self-determination of peoples, the non-use of force or of the threat of use of force in international relations and non-interference in affairs within the domestic jurisdiction of States,

Reaffirming also that, by virtue of the principle of self-determination, all peoples have the right freely to determine their political status and to pursue their economic, social and cultural development, and that every State has the duty to respect this right in accordance with the provisions of the Charter,

Reaffirming further the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,[4]

Alarmed and concerned at the danger that the activities of mercenaries constitute to peace and security in developing countries, in particular in Africa and in small States,

Deeply concerned at the loss of life, the substantial damage to property and the negative effects on the policy and economies of affected countries resulting from criminal mercenary activities,

Extremely alarmed and concerned about recent mercenary activities in Africa and other places and the threat they pose to the integrity of and respect for the constitutional order of those countries,

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[1] See *Official Records of the General Assembly, Sixty-third Session, Supplement No. 53* (A/63/53), chap. II, sect. A.

[2] United Nations, *Treaty Series*, vol. 1490, No. 25573.

[3] On 8 July 2002, the Organization of African Unity ceased to exist and, in its place, the African Union came into force on 9 July 2002.

[4] Resolution 2625 (XXV), annex.

Concerned by the new modalities of mercenarism, and noting that the recruitment of former military personnel and ex-policemen by private military and private security companies to serve in their employ as "security guards" in zones of armed conflict seems to be continuing,

Convinced that, notwithstanding the way in which they are used or the form that they take to acquire some semblance of legitimacy, mercenaries or mercenary-related activities are a threat to peace, security and the self-determination of peoples and an obstacle to the enjoyment of all human rights by peoples,

1. *Takes note with appreciation* of the report of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination[5] and expresses its appreciation for the work of the experts of the Working Group;

2. *Reaffirms* that the use of mercenaries and their recruitment, financing and training are causes for grave concern to all States and violate the purposes and principles enshrined in the Charter of the United Nations;

3. *Recognizes* that armed conflict, terrorism, arms trafficking and covert operations by third Powers, inter alia, encourage the demand for mercenaries on the global market;

4. *Urges once again* all States to take the necessary steps and to exercise the utmost vigilance against the menace posed by the activities of mercenaries and to take legislative measures to ensure that their territories and other territories under their control, as well as their nationals, are not used for the recruitment, assembly, financing, training and transit of mercenaries for the planning of activities designed to impede the right of peoples to self-determination, to destabilize or overthrow the Government of any State or to dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the right of peoples to self-determination;

5. *Requests* all States to exercise the utmost vigilance against any kind of recruitment, training, hiring or financing of mercenaries, including nationals, by private companies offering international military consultancy and security services, as well as to impose a specific ban on such companies intervening in armed conflicts or actions to destabilize constitutional regimes;

6. *Encourages* States that import the military assistance, consultancy and security services provided by private companies to establish regulatory national mechanisms for the registering and licensing of those companies in order to ensure that imported services provided by those private companies neither impede the enjoyment of human rights nor violate human rights in the recipient country;

7. *Calls upon* all States that have not yet done so to consider taking the necessary action to accede to or ratify the International Convention against the Recruitment, Use, Financing and Training of Mercenaries;[6]

8. *Welcomes* the adoption by some States of national legislation that restricts the recruitment, assembly, financing, training and transit of mercenaries;

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[5] See A/63/325.

[6] United Nations, *Treaty Series*, vol. 2163, No. 37789.

9. *Condemns* mercenary activities in Africa and commends the Governments of Africa on their collaboration in thwarting those illegal actions, which have posed a threat to the integrity of and respect for the constitutional order of those countries and the exercise of the right of their peoples to self-determination, and stresses the importance for the Working Group of looking into sources and root causes, as well as the political motivations of mercenaries and for mercenary-related activities;

10. *Calls upon* States to investigate the possibility of mercenary involvement whenever and wherever criminal acts of a terrorist nature occur and to bring to trial those found responsible or to consider their extradition, if so requested, in accordance with domestic law and applicable bilateral or international treaties;

11. *Condemns* any form of impunity granted to perpetrators of mercenary activities and to those responsible for the use, recruitment, financing and training of mercenaries, and urges all States, in accordance with their obligations under international law, to bring them, without distinction, to justice;

12. *Calls upon* Member States, in accordance with their obligations under international law, to cooperate with and assist the judicial prosecution of those accused of mercenary activities in transparent, open and fair trials;

13. *Requests* the Working Group to continue the work already done by the previous Special Rapporteurs on the strengthening of the international legal framework for the prevention and sanction of the recruitment, use, financing and training of mercenaries, taking into account the proposal for a new legal definition of a mercenary drafted by the Special Rapporteur in his report to the Commission on Human Rights at its sixtieth session,[7] including the elaboration and presentation of concrete proposals on possible complementary and new standards aimed at filling existing gaps, as well as general guidelines or basic principles encouraging the further protection of human rights, in particular the right of peoples to self-determination, while facing current and emergent threats posed by mercenaries or mercenary-related activities;

14. *Requests* the Office of the United Nations High Commissioner for Human Rights, as a matter of priority, to publicize the adverse effects of the activities of mercenaries on the right of peoples to self-determination and, when requested and where necessary, to render advisory services to States that are affected by those activities;

15. *Welcomes* the convening in Panama of the regional governmental consultation for Latin American and Caribbean States on traditional and new forms of mercenary activities as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, in particular regarding the effects of the activities of private military and security companies on the enjoyment of human rights;

16. *Requests* the Office of the High Commissioner to inform the Human Rights Council, in a timely manner, of the dates and places for the convening of the other regional governmental consultations on this matter, bearing in mind that this process may lead to the holding of a high-level round table of States, under the auspices of the United Nations, to discuss the fundamental question of the role of

[7] See E/CN.4/2004/15, para. 47.

the State as holder of the monopoly of the use of force, with the objective of facilitating a critical understanding of the responsibilities of the different actors, including private military and security companies, in the current context, and their respective obligations for the promotion and protection of human rights and in reaching a common understanding as to which additional regulations and controls are needed at the international level;

17. *Requests* the Working Group to continue to take into account, in the discharge of its mandate, the fact that mercenary activities continue to occur in many parts of the world and are taking on new forms, manifestations and modalities, and in this regard requests its members to continue to pay particular attention to the impact of the activities of private companies offering military assistance, consultancy and security services on the international market on the enjoyment of human rights and the exercise of the right of peoples to self-determination;

18. *Urges* all States to cooperate fully with the Working Group in the fulfilment of its mandate;

19. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Working Group with all the necessary assistance and support for the fulfilment of its mandate, both professional and financial, including through the promotion of cooperation between the Working Group and other components of the United Nations system that deal with countering mercenary-related activities, in order to meet the demands of its current and future activities;

20. *Requests* the Working Group to consult States and intergovernmental and non-governmental organizations in the implementation of the present resolution and to report, with specific recommendations, to the General Assembly at its sixty-fourth session its findings on the use of mercenaries to undermine the enjoyment of all human rights and to impede the exercise of the right of peoples to self-determination;

21. *Decides* to consider at its sixty-fourth session the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination under the item entitled "Right of peoples to self-determination".

Draft resolution III
The right of the Palestinian people to self-determination

The General Assembly,

Aware that the development of friendly relations among nations, based on respect for the principle of equal rights and self-determination of peoples, is among the purposes and principles of the United Nations, as defined in the Charter,

Recalling, in this regard, its resolution 2625 (XXV) of 24 October 1970 entitled "Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations",

Bearing in mind the International Covenants on Human Rights,[1] the Universal Declaration of Human Rights,[2] the Declaration on the Granting of Independence to Colonial Countries and Peoples[3] and the Vienna Declaration and Programme of Action adopted at the World Conference on Human Rights on 25 June 1993,[4]

Recalling the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations,[5]

Recalling also the United Nations Millennium Declaration,[6]

Recalling further the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*,[7] and noting in particular the reply of the Court, including on the right of peoples to self-determination, which is a right *erga omnes*,[8]

Recalling the conclusion of the Court, in its advisory opinion of 9 July 2004, that the construction of the wall by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, along with measures previously taken, severely impedes the right of the Palestinian people to self-determination,[9]

Expressing the urgent need for the resumption of negotiations within the Middle East peace process on its agreed basis and for the speedy achievement of a just, lasting and comprehensive peace settlement between the Palestinian and Israeli sides,

Stressing the need for respect for and preservation of the territorial unity, contiguity and integrity of all of the Occupied Palestinian Territory, including East Jerusalem,

Recalling its resolution 62/146 of 18 December 2007,

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[1] Resolution 2200 A (XXI), annex.
[2] Resolution 217 A (III).
[3] Resolution 1514 (XV).
[4] A/CONF.157/24 (Part I), chap. III.
[5] See resolution 50/6.
[6] See resolution 55/2.
[7] See A/ES-10/273 and Corr.1.
[8] Ibid., advisory opinion, para. 88.
[9] Ibid., para. 122.

Affirming the right of all States in the region to live in peace within secure and internationally recognized borders,

1. *Reaffirms* the right of the Palestinian people to self-determination, including the right to their independent State of Palestine;

2. *Urges* all States and the specialized agencies and organizations of the United Nations system to continue to support and assist the Palestinian people in the early realization of their right to self-determination.